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09/881,402	06/14/2001	Tetsuya Kagawa	2271/65101	8499

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EXAMINER	
MENBERU, BENIYAM	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/881,402	KAGAWA, TETSUYA	
	Examiner	Art Unit	
	Beniyam Menberu	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *8,9,13,14,17,19-21,30,31,35,36,39,41-43,52,53,57,58,61,63-65 and 106* is/are allowed.

6)☒ Claim(s) *82-105* is/are rejected.

7)☒ Claim(s) *107 and 108* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 8,9,13,14,17,19-21,30,31,35,36,39,41-43,52,53,57,58,61,63-65 and 82-108.

Response to Arguments

1. Applicant's arguments with respect to claims 8, 9, 13, 14, 17, 21, 30, 31, 35, 36, 39, 43, 52, 53, 57, 58, 61 and 65 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments, see Remarks, filed June 19, 2007, with respect to the rejection(s) of claim(s) 21, 89, 43, 97, 65, and 105 under U.S. Patent No. 6940615 to Shima in view of U.S. Patent No. 6285844 to Kuga have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6333789 to Shima.

Claim Objections

3. Claim 107 is objected to because of the following informalities: Claim 107 is not complete because it ends with "information, and" without complete sentence and period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 82, 84, 90, 92, 98, and 100 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6940615 to Shima.

Regarding claim 82, Shima discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (column 17, lines 14-26; column 18, lines 1-21; The Host reads on a sending machine, the high-function printer (figure 4) or reference 11 in figure 5 reads on the communication terminal apparatus, the low-function printers in Figure 4 or reference 13, 14 in Figure 5 read on transfer machines.);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 18, lines 59-67; "IP address"; column 23, lines 61-67; column 24, lines 1-9; The printer 51 stores the setting

information (i.e. registering) of transfer communication machines (printers 52, 53, ...) which reads on communication capability of printers (52, 53, ...));

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (Figure 12, 13; Host 54 is sending machine, 51 is communication terminal apparatus; 52, 53 ... are transfer machines; column 23, lines 61-67; column 24, lines 1-19; the attribute reads on capability; since printer 51 sends attributes of the other printers to the host ("sending machine") the communication capability of the transfer machines are notified to the host. Thus the host is notified of the attributes of the other transfer printers 52, 53...); and

a controlling mechanism (column 23, lines 47-52; "first processing function" reads on mechanism for notifying sending ("host") machine.) configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications (column 24, lines 13-34; "Start up" reads on beginning of communication.) and to instruct said communications mechanism to transfer image (column 12, lines 50-64) information received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 24, lines 40-60; column 18, lines 59-67; column 19, lines 1-8; The printer 51 transfers print data from host 54 ("sending machine'") to transfer printers 52, 53,....), and

wherein said controlling mechanism is configured to obtain a latest communications capability through said communications mechanism when transferring

said image information and to update said registration mechanism with said latest communications capability (column 23, lines 63-67; column 24, lines 1-11, 19-34; The attribute is checked at different time ("regular intervals") thus enabling of getting the latest communication capability from the printers. The attributes are stored (column 24, lines 27-28) which implies that registration is updated with the latest capability.).

Regarding claim 84, see the rejection of corresponding claim 82. Further Shima discloses obtaining latest capability at intervals of a predetermined time period (column 24, lines 23-34; The attribute is checked at different time ("regular intervals") thus enabling of getting the latest communication capability from the printers.).

Regarding claim 90, see rejection of claim 82 as shown above.

Regarding claim 92, see the rejection of corresponding claim 82. Further Shima discloses obtaining latest capability at intervals of a predetermined time period (column 24, lines 23-34; The attribute is checked at different time ("regular intervals") thus enabling of getting the latest communication capability from the printers.).

Regarding claim 98, see the rejection of corresponding claims 82. Further Shima discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

Regarding claim 100, see the rejection of corresponding claim 84. Further Shima discloses notifying a sending communications machine of said communications

capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

3. Claims 85, 86, 93, 94, 101, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6940615 to Shima in view of U.S. Patent No. 6816911 to Toyoda et al.

Regarding claim 85, Shima discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine (column 17, lines 14-26; column 18, lines 1-21; The Host reads on a sending machine, the high-function printer (figure 4) or reference 11 in figure 5 reads on the communication terminal apparatus, the low-function printers in Figure 4 or reference 13, 14 in Figure 5 read on transfer machines.);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine (column 18, lines 59-67; "IP address"; column 23, lines 61-67; column 24, lines 1-9; The printer 51 stores the setting information (i.e. registering) of transfer communication machines (printers 52, 53, ...) which reads on communication capability of printers (52, 53, ...));

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism; (Figure 12, 13; Host 54 is sending machine, 51 is communication terminal apparatus; 52, 53 ... are

transfer machines; column 23, lines 61-67; column 24, lines 1-19; the attribute reads on capability; since printer 51 sends attributes of the other printers to the host ("sending machine") the communication capability of the transfer machines are notified to the host. Thus the host is notified of the attributes of the other transfer printers 52, 53...); and

a controlling mechanism (column 23, lines 47-52; "first processing function" reads on mechanism for notifying sending ("host") machine.) configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications (column 24, lines 13-34; "Start up" reads on beginning of communication.) and to instruct said communications mechanism to transfer image information (column 12, lines 50-64) received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 24, lines 40-60; column 18, lines 59-67; "IP address"; column 19, lines 1-8; The printer 51 transfers print data from host 54 ("sending machine'") to transfer printers 52, 53,....).

However Shima does not disclose wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy.

Toyoda et al discloses wherein said controlling mechanism is configured to perform a retry call to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-

67; The control 39 reads on controlling mechanism. The facsimile 7 of the destination is the transfer communication machine.).

Shima and Toyoda et al are combinable because they are in the similar problem area of data communication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the retry method of Toyoda et al with the system of Shima to implement retry when communicating device is busy.

The motivation to combine the reference is clear because if the transfer machine is only busy for a short time, a retry call can establish communication with the transfer machine quickly.

Regarding claim 93, see rejection of claim 85 as shown above.

Regarding claim 86, see rejection of claims 85 and 93 as shown above. Further Toyoda et al discloses wherein said controlling mechanism is configured to perform a retry call at intervals of a predetermined time period to said transfer communications machine upon a detection of an event indicating that said transfer communications machine is busy (column 5, lines 50-67; column 1, lines 32-38).

Regarding claim 94, see rejection of claim 86 as shown above.

Regarding claim 101, see rejection of claims 85 as shown above. Further Shima discloses notifying a sending communications machine of said communications

capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

Regarding claim 102, see rejection of claim 86 as shown above. Further Shima discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

4. Claims 87, 88, 95, 96, 103, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6940615 to Shima in view of U.S. Patent No. 6493103 to Toyoda et al.

Regarding claim 87, Shima discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine(column 17, lines 14-26; column 18, lines 1-21; The Host reads on a sending machine, the high-function printer (figure 4) or reference 11 in figure 5 reads on the communication terminal apparatus, the low-function printers in Figure 4 or reference 13, 14 in Figure 5 read on transfer machines.);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine(column 18, lines 59-67; "IP address"; column 23, lines 61-67; column 24, lines 1-9; The printer 51 stores

the setting information (i.e. registering) of transfer communication machines (printers 52, 53, ...) which reads on communication capability of printers (52, 53, ...));

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (Figure 12, 13; Host 54 is sending machine, 51 is communication terminal apparatus; 52, 53 ... are transfer machines; column 23, lines 61-67; column 24, lines 1-19; the attribute reads on capability; since printer 51 sends attributes of the other printers to the host ("sending machine") the communication capability of the transfer machines are notified to the host. Thus the host is notified of the attributes of the other transfer printers 52, 53...); and

a controlling mechanism (column 23, lines 47-52; "first processing function" reads on mechanism for notifying sending ("host") machine.) configured to instruct said notifying mechanism to notify said sending communications machine of said enhancement communications capability at a beginning of communications (column 24, lines 13-34; "Start up" reads on beginning of communication.) and to instruct said communications mechanism to transfer image information (column 12, lines 50-64) received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 24, lines 40-60; column 18, lines 59-67; "IP address"; column 19, lines 1-8; The printer 51 transfers print data from host 54 ("sending machine'") to transfer printers 52, 53,....).

However Shima does not disclose wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine.

Toyoda et al discloses wherein said controlling mechanism is configured to transfer said image information through E-mail to said transfer communications machine (column 21, lines 21-63; CPU 80 is the controlling mechanism; column 22, lines 5-10, lines 31-33, lines 48-61; computer 64 reads on transfer communications machine; Facsimile 71 transfers image data to computer 64 by email.).

Shima and Toyoda et al are combinable because they are in the similar problem area of data communication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine E-mail transferring of data of Toyoda et al with the system of Shima to implement E-mail transfers of image data.

The motivation to combine the reference is clear because the option of using e-mail for transferring data is useful since image data can be compressed in e-mail format as taught by Toyoda et al (column 22, lines 58-61).

Regarding claim 88, Shima in view of Toyoda et al teach all the limitations of claims 87, 95, and 103 respectively. Toyoda et al further disclose an apparatus and method, wherein said controlling mechanism is configured to add a literal identification

of said image information to said E-mail (Toyoda et al: column 22, lines 53-58; The user's name, facsimile number read on literal identification.).

Regarding claim 95, see rejection of claim 87 as shown above.

Regarding claim 96, see rejection of claim 88 as shown above.

Regarding claim 103, see rejection of claim 87 as shown above. Further Shima discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

Regarding claim 104, see rejection of claim 88 as shown above.

5. Claims 89, 97, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6940615 to Shima in view of U.S. Patent No. 6333789 to Shima.

Regarding claim 89, Shima '615 discloses a communications terminal apparatus comprising:

a communications mechanism configured to perform communications with a plurality of communications machines including a sending communications machine and a transfer communications machine(column 17, lines 14-26; column 18, lines 1-21; The Host reads on a sending machine, the high-function printer (figure 4) or reference 11 in figure 5 reads on the communication terminal apparatus, the low-function printers in Figure 4 or reference 13, 14 in Figure 5 read on transfer machines.);

a registering mechanism configured to register an address and a communications capability of said transfer communications machine(column 18, lines 59-67; "IP address"; column 23, lines 61-67; column 24, lines 1-9; The printer 51 stores the setting information (i.e. registering) of transfer communication machines (printers 52, 53, ...) which reads on communication capability of printers (52, 53, ...)

a notifying mechanism configured to notify of said communications capability of said transfer communications machine registered in said registering mechanism (Figure 12, 13; Host 54 is sending machine, 51 is communication terminal apparatus; 52, 53 ... are transfer machines; column 23, lines 61-67; column 24, lines 1-19; the attribute reads on capability; since printer 51 sends attributes of the other printers to the host ("sending machine") the communication capability of the transfer machines are notified to the host. Thus the host is notified of the attributes of the other transfer printers 52, 53...); and

a controlling mechanism (column 23, lines 47-52; "first processing function" reads on mechanism for notifying sending ("host") machine.) configured to instruct said notifying mechanism to notify said sending communications machine of said communications capability at a beginning of communications (column 24, lines 13-34; "Start up" reads on beginning of communication.) and to instruct said communications mechanism to transfer image information (column 12, lines 50-64) received from said sending communications machine to said transfer communications machine using said address stored in said registering mechanism (column 24, lines 40-60; column 18,

lines 59-67; column 19, lines 1-8; The printer 51 transfers print data from host 54 ("sending machine'") to transfer printers 52, 53,....;), and

However Shima does not disclose wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image information into a predetermined recording sheet tray corresponding to said predetermined identification code.

Shima '789 discloses wherein said controlling mechanism is configured to transfer said image information with a predetermined identification code causing said transfer communications machine to reproduce an output of said image information into a predetermined recording sheet tray corresponding to said predetermined identification code (column 10, lines 18-29, 52-57; The print data (image information) contains code which determines which output tray the print output will go.).

Shima '615 and Shima '789 are combinable because they are in the similar problem area of data communication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the printing tray designation of Shima '789 with the system of Shima '615 to provide specific output tray for the print output.

The motivation to combine the reference is clear because the system of Shima '789 provides for priority in the output of print data by using specific tray (column 10, lines 29-36).

Regarding claim 97, see rejection of claim 89 as shown above.

Regarding claim 105, see rejection of claim 89 as shown above. Further Shima discloses notifying a sending communications machine of said communications capability of said transfer communication machine at a beginning of communications ((column 24, lines 13-34; "Start up" reads on beginning of communication.)).

6. Claims 83, 91, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6940615 to Shima in view of U.S. Patent No. 5818609 to Yamamuro.

Regarding claim 83, Shima teaches all the limitations of claims 82, 90, and 98 respectively. However Shima does not disclose an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information and stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information.

Yamamuro discloses an apparatus and method wherein said controlling mechanism is configured to determine whether said latest communications capability is sufficient to receive said image information (Yamamuro: column 4, lines 20-24; Figure 1, reference 13 "host" reads on sending machine; The checking of the availability of network 14, memory 8 and the bus read on sufficient capability for communication.) and

stops receiving said image information from said sending communications machine when said latest communications capability is determined as not sufficient to receive said image information (Yamamuro: column 4, lines 28-37; When "not ready" (ie. Not sufficient). The busy signal means that the image is not going to be received (ie. Stop receiving)).

Shima and Yamamuro are combinable because they are in the similar problem area of data communication.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the communication method of Yamamura with the system of Shima in view of Toyoda to implement communication based on latest capability.

The motivation to combine the reference is clear because Yamamuro teaches an efficient method for transferring image data (column 1, lines 23-43).

Regarding claim 91, see rejection of claim 83 as shown above.

Regarding claim 99, see rejection of claim 83 as shown above.

Allowable Subject Matter

7. Claims 8, 9, 13,14, 17,19-21, 30, 31, 35, 36, 39, 41-43, 52, 53, 57, 58, 61, 63-65 and 106 are allowed.

8. Claims 107 and 108 would be allowable once the objection to claim 107 is overcome.

Other Prior Art Cited

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7187466 to Ishikawa et al discloses image transmission.

U.S. Patent No. 7262871 to Matsueda et al disclose facsimile device.

U.S. Patent No. 7006249 to Matsuda discloses network scanning/printing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

10/10/2007

AUNG S. MOE
SUPERVISORY PATENT EXAMINER
10/12/07